

REMARKS

As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. According to the Office Action, currently no claim is generic; however, Applicants respectfully submit that at least claims 1 and 57 are generic to species 1 and 2.

Applicants respectfully submit that the inventions of species 1 and 2 are closely related to each other. For example, as acknowledged by the Office Action, the subject matter of both species is searchable in the same class (365). Further, each claim is directed to common subject matter (sensing of data values stored by memory cells).

M.P.E.P. § 803 directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Given the circumstances of this case, it would not be a serious burden for the Examiner to examine all of the claims at this time. The directive of § 803 should be followed by the Examiner in this case.

Application No.: 10/076,486

Docket No.: M4065.0479/P479

Favorable action on the application is solicited.

Dated: May 5, 2003

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No. 28,371

Salvatore P. Tamburo

Registration No. 45,153

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

2101 L Street, N.W.

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicants